

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-4275

FREDERICK HAESLER, JR.; SANDREENA;
WANDA BREWSTER; TERESA TALESE;
JANET THOMAS, for themselves and all others
similarly situated,

Appellants

v.

NOVARTIS CONSUMER HEALTH, INC. ;
CIBASELF-MEDICATION FT. WASHINGTON
HOURLY EMPLOYEES PENSION PLAN
a/k/a Novartis Corporation Fort Washington Hourly
Employees' Pension Plan,

Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 05-cv-00372)
District Judge: Honorable Joseph A. Greenaway, Jr.

Argued February 8, 2008

Before: MCKEE, AMBRO and ALDISERT, Circuit Judges

(Filed: February 22, 2008)

Kent Cprek, Esquire (Argued)
Jennings Sigmond, Esquire
510 Walnut Street
The Penn Mutual Towers, 16th Floor
Philadelphia, PA 19106-3683

Counsel for Appellants

Christopher G. FitzPatrick, Esquire
Paul L. Kattas, Esquire
Kelley, Drye & Warren
200 Kimball Drive
Parsippany, NJ 07054

Charles B. Wolf, Esquire (Argued)
Philip L. Mowery, Esquire
Alixon J. Maki, Esquire
Vedder, Price, Kaufman & Kammholz
222 North La Salle Street, Suite 2600
Chicago, IL 60601

Counsel for Appellees

OPINION

AMBRO, Circuit Judge

Participants in the Novartis Corporation Fort Washington Hourly Employees' Pension Plan, which is sponsored by Novartis Consumer Health, Inc., appeal from the District Court's dismissal of their complaint for failure to state a claim for which relief can be granted. Our review of the dismissal is plenary. *See Rowinski v. Salomon Smith Barney Inc.*, 398 F.3d 294, 298 (3d Cir. 2005).

The Participants allege a plethora of violations of the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. §§ 1001–1461. In a succinct yet thorough opinion, *see Haesler v. Novartis Consumer Health, Inc.*, No. 05-372 (JAG), 2006 WL 2689830 (D.N.J. Sept. 18, 2006) (incorporating in part its reasoning in *Haesler v. Novartis Consumer Health, Inc.*, 426 F. Supp. 2d 227 (D.N.J. 2006)), the District Court, per Judge Greenaway, explained why the Participants have failed to state a claim for which relief can be granted. Having reviewed the parties’ submissions and heard oral argument, we essentially agree with Judge Greenaway’s reasoning. We accordingly affirm.